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administered judicially and not arbitrarily, and then to decide that on Frank's own showing the federal right was not denied or abridged by the state of Georgia through its courts. The latter seems to be the correct interpretation of the majority opinion." (p. 90.)

And finally he says:

"Frank's case cannot be regarded as a weighty precedent to support the distinct, separate, and independent federal right of litigants in state courts in cases arising under the local state law to have free, fair, and impartial state tribunals, because the existence of the right was not debated at the bar or on the bench, and its existence plainly is debatable; and because as a matter of fact the court did not protect and enforce any such federal right, but declined to do so, refusing even to hear Frank's claim that the Georgia trial tribunal was not free, fair, and impartial because mob-dominated, which refusal can be supported only on the view that such distinct, separate, and independent federal right does not exist." (p. 101.)

Surely no more honorable concession can be made by a contestant who for years has argued for a doctrine by him believed to be just.

From the quotations already made, the quality of the whole mass of papers may fairly be judged. It is impracticable to make further quotations; but as it is important that both the scholar and the practitioner may know whether these volumes contain matter upon subjects connected with their respective activities, a list of the principal titles will be given. The scope covered is a great part of Constitutional Law and a smaller part of Equity. On Constitutional Law the papers include: the Supreme Court of the United States and the enforcement of state law by state courts; *Swift v. Tyson* and the uniformity of judge-made law in state and federal courts; federal courts and mob domination of state courts; the claim of a federal right to enforce in one state the death statute of another; the doctrine of *Haddock v. Haddock;* full faith and credit *v.* comity and local rules of jurisdiction and decision; new trials and the Seventh Amendment; jury trials in original proceedings for mandamus in the state supreme court; the state tax on Illinois Central gross receipts and the commerce power of Congress; cruel and unusual punishment; petit larceny as an infamous crime involving infamous punishment; religious liberty and Bible reading in public schools; freedom of the press; the obligation of contracts and the street railroad problem in Chicago; the state civil service act and the power of appointment. On Equity the papers cover, among other things, the word "not" as a test of equity jurisdiction to enjoin a breach of contract; so-called equity jurisdiction to construe and reform wills; equity jurisdiction to abate and enjoin illegal saloons as public nuisances; right of workmen to enjoin a threatened strike; irregularity in an execution sale as a foundation of jurisdiction of federal courts to manage insolvent public service corporations. These are the chief papers; and there are many others, almost equally important, in the form of brief comments on recent decisions.

This is a long and varied list; but Professor Schofield's colleagues have arranged the material in logical order, and the result amply justifies the labor of author and of editors. It is true that these volumes will disappoint readers who wish merely a digest of decisions; but they will not disappoint readers who enjoy close reasoning and who give the reasoner permission to argue that both the readers and the courts are wrong.

EUGENE WAMBAUGH

Harvard Law School

Oxford Studies in Social and Legal History. Sir Paul Vinogradoff, Editor. Volume VI. *XI: Studies in the Hundred Rolls: Some Aspects of Thirteenth-Century Administration.* By Helen M. Cam. *XII: Proceedings against the Crown (1216-1377).* By Ludwik Ehrlich. Oxford, Clarendon Press, 1921. pp. x, 198, 274.

In the volumes already published of Professor Vinogradoff's series of Oxford

Studies in Social and Legal History, the social have outnumbered the legal studies. With the exception of the valuable paper by the late Professor Barbour on *Contract in Early English Equity,* there has been no study until the present volume upon legal history. Dr. Ehrlich's contribution to this volume helps to restore the balance as it is a technical study of certain important phases of thirteenth and fourteenth century law. The title of the essay *Proceedings against the Crown* hardly promises so much as it actually gives, since it covers in a rather wide range many forms of assertion of private or communal right against the king. Dr. Ehrlich studies a series of topics first for the reign of Henry III, then for Edward I's, and then to a little past the middle of the fourteenth century. Beginning with fundamental considerations, as the contemporary postulates of legal thought and the relation of the king to the law, he goes on to consider how these conceptions took form in actual practice in regard to the acts of the king, wrongs committed by him, his privileges, his actual power, and his administrative machine. Then remedies are discussed with special reference to the ordinary courts including *coram rege,* and then restitution or compensation. The king can do no wrong (*Nihil enim aliud potest rex in terris nisi id solum quod de jure potest.* Bracton, f. 107) means in the law not that someone else has done the wrong, but that the king "must not, was not allowed, not entitled, to do wrong; his acts if against law were not legal acts but wrongs." These wrongs the courts may correct, but no writ can be had against the king. Proceedings against him are by permission. One of Dr. Ehrlich's most important contributions to our knowledge is the establishment of the fact that in the time of Henry III there were no written petitions. They were introduced by Edward I, following a practice at Rome and in some continental states. He supposes that earlier proceedings were begun orally before the council. In this he is undoubtedly right, since that was the form of procedure in the great council in all kinds of cases and probably it was so also in all royal courts before the introduction of prerogative procedure. The study of the development of the petition under Edward I and of procedure upon them in parliament is particularly valuable and is more thorough and illuminating than any before made.

On many topics new light is thrown. The idea that the king is rather an institution than a person is developing and also the conception of public utility as an end to be sought, but at the same time the foundations are being laid of those claims of absolute power which were advanced by the Stuarts. Incidentally the apparent contradiction in Bracton between the king as above the law and the law as above the king is discussed as a reflection of actual conditions in the law. The growth of national feeling, the responsibility of officers for their acts, and the operation of exchequer and chancery courts in the fourteenth century are included. The index to this study is quite unsatisfactory.

If it was Miss Cam's original intention to study administrative abuses in Essex as depicted in the Hundred Rolls, she found herself compelled to devote the greater part of her essay to two preliminary investigations: the development of the articles, the capitula, of the Eyre, and the character and trustworthiness of the Hundred Rolls as historical material. The gradual development of the few simple demands of the Assize of Northampton in 1176 into the sweeping inquiries of the last part of the thirteenth century and their bearing on the *Quo Warranto* investigation is an interesting history. Between 1244 and 1278, 105 articles were added to the list, and before the Eyre was abandoned others still. Probably, however, the part of this study of the greatest permanent value to scholars will be the analysis of the Hundred Rolls themselves. It has generally been taken for granted that these Rolls as printed by the Record Commission can be accepted at their face value, and they have been largely used on that supposition. Miss Cam shows, however, that they are a quite uncritical combination of material from

various sources and of varying value, and that critical study is imperatively needed before they can be used as historical evidence. No one who hereafter wishes to draw upon them can neglect Miss Cam's study.

GEORGE BURTON ADAMS

Yale University

Men and Books Famous in the Law. By Frederick C. Hicks. Introduction by Harlan F. Stone. Rochester, Lawyers' Co-operative Publishing Co., 1921. pp. 259.

Hamilton Odell, a distinguished member of the New York Bar, who died a few weeks ago in his eighty-eighth year, is said to have found keen enjoyment during his last years in reading the Advanced Sheets of the New York State Reports. But it takes a long life devoted to the law to enable a man to find enjoyment and relaxation in such a pastime. A taste for law literature is a cultivated taste. The flood of new law literature, which is overwhelming to a practicing lawyer of to-day, has made the task of keeping up with even the latest decisions an immense one, and discourages lawyers, young and old, from seeking general improvement or relaxation in the reading of reports. I have no doubt Mr. Odell had read Coke's Reports, but I doubt if there are half a dozen of his survivors practicing in New York City who have done so. Except for selected cases, there are probably few lawyers to-day who have any precise familiarity with the ancient literature which instructed the able lawyers who distinguished our profession in the early half of the last century.

Professor Hicks has performed a great service to the legal fraternity, and indeed to the educated public at large, in giving us this thoroughly entertaining little volume. We have here an easy and pleasant means of obtaining a little knowledge of certain legal writings which are monuments in the history of the law. And the sketches of the seven great lawyers whose fame has been perpetuated to our time because of their authorship of these historic documents supplies a need of the profession. This book will fit into a fair sized pocket. It contains interesting and human facts about the men and books it tells about. It will shorten a railroad journey for any educated person, even if he has not had the advantages of pursuing the law as a calling, and will make a lawyer during a quiet evening forget about a dissatisfied female client or the lack of intelligence displayed by a jury.

The great men whose famous books have led Professor Hicks to draw them to our attention were not closet students remote from the great world. Indeed the writings of three of the four Englishmen he treats of, got them into considerable political trouble.

The prerogatives of the King; a disposition in some quarters to extoll the excellence of the Civil Law in comparison with the Common Law of England; the powers of the Court of Chancery to take jurisdiction of cases which had already been decided by the Court of King's Bench; and the "liberties of Parliament" aroused violent feeling among politicians as well as among lawyers during the seventeenth century. It involved some personal peril to write law books in those times.

John Cowell wrote a book on the Common Law of England which won for him some fame. He then proceeded to write another work called *The Interpreter* which was a law dictionary. It is reported that this book gave great offence because of a few statements therein contained. It was brought up in Parliament and received the attention of the King, the Lords Spiritual, the House of Lords, and the House of Commons during a considerable period in 1609 and 1610. All the fuss resulted in the King issuing a proclamation from which we quote a few clauses expressing in the quaint wording of the period sentiments which are not unfamiliar at the present day. After reciting the disposition of "this later age and